

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
- v. -	:	CONSENT PRELIMINARY ORDER
	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
FERNANDO RODRIGUEZ,	:	
	:	S1 20 Cr. 174 (SHS)
Defendant.	:	
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WHEREAS, on or about March 30, 2021 FERNANDO RODRIGUEZ (the “Defendant”), was charged in a three-count Superseding Information, S1 20 Cr. 174 (SHS) (the “Information”), with conspiracy to commit honest services wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); conspiracy to commit health care fraud, in violation of Title 18, United States Code, Section 1349 (Count Two); health care fraud, in violation of Title 18, United States Code, Sections 1347 and 2 (Count Three);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, the Information included a second forfeiture allegation as to Counts Two and Three of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), of any and all property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offenses

charged in Counts Two and Three of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts Two and Three of the Information;

WHEREAS, on or about March 30, 2021, the Defendant pled guilty to Counts One through Three of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegations with respect to Counts One through Three of the Information and agreed to forfeit to the United States: (i) pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Information; and (ii) pursuant to Title 18, United States Code, Section 982(a)(7), all property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offenses charged in Counts Two and Three of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$131,500 in United States currency, representing the amount of proceeds traceable to the offenses charged in Counts One through Three of the Information that the Defendant personally obtained, for which the Defendant is jointly and severally liable up to \$66,500 with co-conspirator Victor Rivera (the "Co-Conspirator"), who was charged in case number 21 Cr. 221 (SHS) and sentenced to a forfeiture money judgment in the amount of \$1,249,158.93 in that case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One through Three of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys David Abramowicz and Tara M. La Morte of counsel, and the Defendant and his counsel, Zawadi S. Baharanyi, Esq., that:

1. As a result of the offenses charged in Counts One through Three of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$131,500 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts One through Three of the Information that the Defendant personally obtained, for which the Defendant is jointly and severally liable up to \$66,500 with the Co-Conspirator, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant FERNANDO RODRIGUEZ, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.


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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By:

  
\_\_\_\_\_  
TARA M. LA MORTE  
DAVID ABRAMOWICZ  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-1041

1/11/2023  
DATE

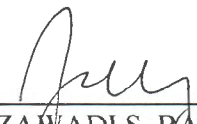
FERNANDO RODRIGUEZ

By:

  
\_\_\_\_\_  
FERNANDO RODRIGUEZ

1/11/2023  
DATE

By:

  
\_\_\_\_\_  
ZAWADI S. BAHARANYI, ESQ.  
Attorney for Defendant  
Federal Defenders of New York  
52 Duane Street 10th Floor  
New York, NY 10007

1/11/2023  
DATE

SO ORDERED:

  
\_\_\_\_\_  
HONORABLE SIDNEY H. STEIN  
UNITED STATES DISTRICT JUDGE

January 11, 2023  
DATE